IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

W.A.No.25 of 2003

AGAINST THE JUDGEMENT IN O.P.NO.27373/2000 DATED 01/04/2002

.....

APPELLANT: PETITIONER IN O.P.:-

ANAND DANIEL, S/O. P. RAJAN,
'NIKUNJAM', MARAKKAR KANDY, KANNUR,
REPRESENTED BY HIS FATHER P. RAJAN,
S/O. PETER, ANAND BHAVAN, T.C.2/757 (1),
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SRI.P.N.SANTHOSH
SRI.S.D.ASOKAN
SRI.NAVEEN.T

RESPONDENTS: RESPONDENTS IN O.P.:-

---

1. STATE OF KERALA, REPRESENTED BY THE SECRETARY,
   HIGHER EDUCATION DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
   SC/ST DEVELOPMENT, SECRETARIAT, THIRUVANANTHAPURAM
   AND CHAIRMAN, SCRUTINY COMMITTEE.

3. THE ENTRANCE EXAMINATION COMMISSIONER & CONVENOR,
   HOUSING BOARD BUILDING, SANTHI NAGAR, THIRUVANANTHAPURAM.

4. VIGILANCE OFFICER, VIGILANCE CELL,
   DIRECTOR OF KIRTADS, KOZHIKODE-17.

BY SPECIAL GOVERNMENT PLEADER C.T.RAVIKUMAR.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 04/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.A.No.25 of 2003 & C.M.P.No.77 of 2003

Dated, this the 4th day of July 2007

JUDGMENT

H.L.Dattu,C.J.

The delay in filing the Writ Appeal is condoned.

2. Exhibit P15 is an order passed by the Screening Committee. Learned Single Judge proceeds on the assumption that Exhibit P15 was passed by the Scrutiny Committee and, therefore, an appeal lies. That conclusion may not be correct, for the reason that Exhibit P15 is an order passed by the Screening Committee and not by the Scrutiny Committee and there is no appeal or revision provided against an order passed by the Screening Committee. Therefore, the same has to be questioned only by filing a petition under Article 226 and 227 of the Constitution. In view of this, the appeal requires to be allowed. Accordingly, it is allowed. The order passed by the learned Single Judge is set aside. The matter is remitted back to the learned Single Judge, with a request to restore the Original Petition and then decide the case on its merits.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/DK.